

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

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VIRGINIA COALITION FOR IMMIGRANT  
RIGHTS, *et al.*,

*Plaintiffs,*

v.

SUSAN BEALS, in her official capacity as  
Virginia Commissioner of Elections, *et al.*,

*Defendants.*

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Case No. 1:24-cv-1778

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

COMMONWEALTH OF VIRGINIA, *et al.*,

*Defendants.*

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Case No. 1:24-cv-1807

**CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND  
TO COMPLAINTS BY SETTING A UNIFIED RESPONSIVE PLEADING DEADLINE  
AND TO FILE A CONSOLIDATED BRIEF IN SUPPORT OF MOTIONS TO DISMISS**

Defendants in the above consolidated actions, by counsel and pursuant to Local Civil Rule 7 and Federal Rule of Civil Procedure 6, hereby move this Court for an order: (1) setting **November 21, 2024** as the unified deadline for Defendants to file any responsive pleadings or motions in response to the Organizational Plaintiffs' First Amended Complaint and the United States' Complaint, and (2) granting leave for Defendants to file a single consolidated brief in support of their motions to dismiss the Organizational Plaintiffs' First Amended Complaint and the Complaint of the United States not to exceed 45 pages. Defendants have conferred with counsel for the Organizational Plaintiffs and the United States regarding this request, and both parties

consent. Additionally, all parties agree to an extension of time for Plaintiffs to respond to Defendants' motions to dismiss.

In support of this Motion, Defendants state as follows:

1. The United States served its Complaint on all Defendants named in Case No. 24-cv-1807—the Commonwealth of Virginia, the Virginia State Board of Elections, and Commissioner Susan Beals—on October 16, 2024. ECF No. 8, Case No. 24-cv-1807. Pursuant to Federal Rule of Civil Procedure 12(a), Defendants' response to the United States's Complaint is due November 6, 2024.

2. The Organizational Plaintiffs served their Original Complaint on Commissioner Beals on October 10, 2024. ECF No. 16. Defendant Beals' original responsive pleading deadline with respect to that complaint was October 31, 2024.

3. On October 15, 2024, the Organizational Plaintiffs filed their First Amended Complaint. ECF No. 23. The Organizational Plaintiffs served their First Amended Complaint on Defendants in Case No. 24-cv-1778 on October 17. ECF Nos. 56–61, 64.

4. Pursuant to Federal Rule of Civil Procedure 15(a)(3), Commissioner Beals' response to the Organizational Plaintiffs' First Amended Complaint is currently due October 31, 2024. Fed. R. Civ. P. 15(a)(3) (“[A]ny required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later.”). The other Defendants' response to the Organizational Plaintiffs' First Amended Complaint is currently due November 7, 2024 as they were not previously properly served with a summons. Fed. R. Civ. P. 12(a).

5. Defendants plan to move to dismiss the Organizational Plaintiffs' First Amended Complaint and the United States's Complaint under Federal Rule of Civil Procedure 12(b).

6. To promote efficient presentation of the issues, Defendants respectfully request a unified deadline for responsive pleadings and motions and permission to file a single consolidated brief in support of their forthcoming motions to dismiss. Specifically, Defendants request:

- a) that the Court extend all Defendants' responsive pleading deadlines and set **November 21, 2024** as the unified deadline for all Defendants to respond to both the Organizational Plaintiffs' First Amended Complaint and the United States' Complaint;
- b) that the Court permit Defendants to file a single consolidated brief in support of their motions to dismiss, not to exceed 45 pages, rather than separate briefs in support of their motions up to 30 pages each, see E.D. Va. Loc. Civ. R. 7(F)(3);
- c) that the Court extend Plaintiffs' deadline to respond to Defendants' motions to dismiss to **December 20, 2024**.

7. Defendants have conferred with counsel for the Organizational Plaintiffs and the United States regarding this request, and both parties consent. All Plaintiffs requested, and Defendants consented, that Plaintiffs' deadline to respond to Defendants' motions to dismiss be extended to December 20, 2024.

8. Good cause exists to grant Defendants' request in light of the consolidation of these matters, the complex issues presented, and the expedited nature of these proceedings, including the extensive time recently devoted by the parties to addressing the preliminary injunction phase of this proceeding. Additionally, the aforementioned interest in efficiently presenting the issues to the Court and reducing its burden to review two separate briefs provides good cause for this request. Furthermore, this extension of time will enable all Defendants to remain focused on

running an ongoing election. See Fed. R. Civ. P. 6(b)(1) (“When an act may or must be done within a specified time, the court may, for good cause, extend the time” by a party’s motion made “before the original time or its extension expires.”).

WHEREFORE, Defendants’ respectfully request that the Court grant this Motion.

**RESPECTFULLY SUBMITTED,**

**COMMONWEALTH OF VIRGINIA;**  
**VIRGINIA STATE BOARD OF ELECTIONS;**  
**SUSAN BEALS**, in her official capacity as Virginia  
Commissioner of Elections; **JOHN O’BANNON**,  
in his official capacity as Chairman of the State  
Board of Elections; **ROSALYN R. DANCE**, in her  
official capacity as Vice-Chairman of the State  
Board of Elections; **GEORGIA ALVIS-LONG**, in  
her official capacity as Secretary of the State Board  
of Elections; **DONALD W. MERRICKS** and  
**MATTHEW WEINSTEIN**, in their official  
capacities as members of the State Board of  
Elections; and **JASON MIYARES**, in his official  
capacity as Virginia Attorney General

By: /s/ Thomas J. Sanford

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**CERTIFICATE**

I hereby certify that on October 30, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

/s/ Thomas J. Sanford  
Counsel for Defendants